

Application No. 10/662,478
Amendment Dated April 24, 2008
Reply to Office Action dated January 25, 2008

REMARKS/ARGUMENTS:

Claims 1, 5 and 6 are currently amended. No new matter is added. Claims 1 – 10 are currently pending in the application, with claims 1 and 7 being independent.

Applicant has carefully considered the contents of the Office Action and respectfully requests reconsideration and reexamination of the subject application in view of the explanations noted below.

Claim Objections

Dependent claim 5 is objected to for an informality noted in paragraph 2 of the Office Action. Claim 5 is amended as suggested in the Office Action, such that the objection should be withdrawn.

Rejections under 35 U.S.C. § 102(b)

Claims 1 – 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,683,643 to Takayama et al. (the Takayama '643 patent). Applicant respectfully traverses this rejection, because the Takayama '643 patent clearly does not disclose, teach or render obvious the subject matter of independent claims 1 and 7.

Independent claims 1 and 7 each recite, *inter alia*, controlling the shutter driving unit to periodically drive the shutter.

The Takayama '643 patent discloses a charge coupled device (CCD) camera that compensates for defective CCDs. The Takayama '643 patent describes the detection of white flaws after switch 15 (FIG. 1) is turned on (col. 11, line 52), when the temperature of CCD1 detected by the temperature sensor 13 arrives at or exceeds the prescribed reference temperature (col. 12, lines 17 – 19), immediately when a mode switch 16 is turned on (col. 12, lines 34 – 37) or after turning on mode switch 16 and pressing the shutter (col. 12, lines 34 – 39). The Takayama '643 patent also describes the detection of black flaws only when pressing the shutter (col. 12, lines 61 – 66). Therefore, the Takayama '643 patent only checks for defective pixels when manually triggered. Thus, the Takayama '643 patent does

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not disclose or suggest controlling the shutter driving unit to *periodically* drive the shutter to check for defective CCDs, as recited in independent claims 1 and 7.

Lacking an element recited in independent claims 1 and 7, the Takayama '643 patent does not anticipate independent claims 1 and 7 because a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Therefore, the Takayama '643 patent does not anticipate or render obvious independent claims 1 and 7.

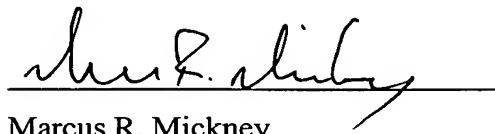
Claims 2 – 6 and 8 – 10, being dependent upon independent claims 1 and 7, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the control unit being adapted to control the shutter driving unit to operate the shutter at a low speed of claim 2; the control unit being adapted to control the shutter driving unit to operate the shutter at a lower speed in a predetermined interval based on a vertical period of the CCD data of claim 3; the control unit being adapted to control the shutter driving unit to alternately operated the shutter in odd fields and even fields of the CCDs at the low speed of claim 4; and amplifying the electric signals of the individual CCDs and comparing the amplified electric signals of the CCD to the CCD defect threshold level of claim 8. Therefore, dependent claims 2 – 6 and 8 – 10 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

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In view of the foregoing amendment and comments, Applicants respectfully submit that claims 1 – 10 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Marcus R. Mickney", is written over a horizontal line.

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